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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,558	11/25/2003	Timucin Ozugur	139164	5827

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3400 W. PLANO PARKWAY, MS LEGL2  
PLANO, TX 75075

EXAMINER
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JOSEPH, TONYA S

ART UNIT	PAPER NUMBER
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3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/721,558

Applicant(s)

OZUGUR ET AL.

Examiner

Tonya Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/29/2005 and 11/25/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claim 1 recites the limitation, "an online customer support server" in line 3; "an enterprise server" in line 5" and "a web server" in line 8. A server, having the capability of being a computer program or a physical object, could result in the claiming of a software and would therefore constitute non-statutory material. Computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized.

4. Claim 7 recites the limitation, "if a customer support representative cannot connect to a user online." The use of open-ended conditional language would not render the entire claim useful, tangible or concrete. The language presented only makes allowances for when a customer support representative cannot connect to a user online. There is no allowance made in the event that a customer support representative can

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connect to a user online. As the claim is currently presented, it could be possible that there would be no action by the program. In this case, there would be no concrete, tangible or useful outcome, due to this lack of information, this would constitute non-statutory material.

5. Claims 2-6 contain the same deficiencies as claim 1 through dependency and as such, are rejected for the same reasons.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaanan U.S. Pre-Grant Publication No. 2001/0054064 A1.

8. As per Claim 1, Kanaan teaches an online customer support server that connects a group of customer support representatives to user of a web site to provide real time customer support (see para. 21); an enterprise server that collects presence information from the customer support server regarding current availability of customer support representatives in said group (see para. 72 lines 1-7, 165 and 197 lines 5-9 and Fig. 16, Examiner is interpreting a customer service agent as a server), wherein said presence information is updated at regular, specified intervals; a web server that

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provides content to said web site, wherein the content includes said presence information provided by the enterprise server (see para. 72 lines 1-4 and 197 lines 5-9).

9. As per Claim 3, Kanaan teaches the system of claim 1 as described above.

Kanaan further teaches wherein the presence information further includes approximate waiting time for customer support representatives that are not currently available (see para. 197 lines 5-6).

10. As per Claim 4, Kanaan teaches the system of claim 1 as described above.

Kanaan further teaches wherein customer support representatives are designated according to skill set (see para. 28 lines 8-13. Examiner is interpreting qualifications as skill set).

11. As per Claim 5, Kanaan teaches the system of claim 4 as described above.

Kanaan further teaches wherein the web server provides a user selectable option for selecting customer support representatives by skill set (see para. 88 and para. 89 lines 6-15).

12. As per Claim 6, Kanaan teaches the system of claim 5 as described above.

Kanaan further teaches wherein the system uses cookies for skills based routing, wherein the cookies are used for mining customer information that is required to route calls in a specific way (para. 81 lines 6-8 and para. 83).

### ***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanaan in view of Gourraud U.S. Pre-Grant Publication No. 2004/0122896 A1.

15. As per Claim 2, Kanaan teaches the system of claim 1 as described above.

Kanaan does not explicitly teach wherein the customer support server updates the presence information on the enterprise server via Session Initiation Protocol Publish messages. Gourraud teaches, First, the presence server 202 receives via the IP Multimedia Subsystem Core Network (IMS, IP multimedia network (IPMM) based on the SIP protocol, such as the one specified by 3GPP) network 211 a SIP PUBLISH message 210 with a presence XML document 212 that comprises one or more tuples with presence information about a given UE (not shown) (see para. 10 lines 9-15) It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kanaan to include wherein the customer support server updates the presence information on the enterprise server via Session Initiation Protocol Publish messages in order to allow network operators to provide presence services to their subscribers, as taught in Gourraud para. 7 lines 10-11).

16. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanaan in view of Hawkes et al. U.S. Pre-Grant Publication No. 20020055974 A1.

17. As per Claim 7, Kanaan teaches the system of claim 1 as described above.

Kanaan does not explicitly teach, wherein, if a customer support representative cannot connect to a user online, the web server provides the user's telephone number to the customer support representative to facilitate telephone support. Hawkes teaches, when

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the customer is browsing the Web and requests help, if the customer selects the deferred callback option from the Help web page, a further web page is served by the SMS 67 for the customer to enter his or her telephone number, the callback delay, and other items of information. This form is then submitted back to the SMS (see para. 249, Examiner is interpreting a customer selecting a deferred callback option as a customer support representative not being able to connect to a user online, due to the user selection). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kanaan to include wherein, if a customer support representative cannot connect to a user online, the web server provides the user's telephone number to the customer support representative to facilitate telephone support in order to establish a session at a later time as taught in Hawkes para. 247 line 1.

### ***Conclusion***


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonya Joseph whose telephone number is 571-270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Nolan can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tonya Joseph  
Examiner  
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TECHNICAL 3600